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13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Todd Evans,

16 Plaintiff,

17 v.

18 James Dzurenda, et al.,

19 Defendants.

Case No. 3:18-cv-00283-CSD

**Joint Status Report and Request
for Status Check**

20 The Parties submit this joint status report and request that this Court set a
21 status check to discuss extending the limited reopened discovery period and
22 continuing the trial set for February 10, 2025.

23 1. On May 23, 2023, the Court granted summary judgment in Defendants'
24 favor as to Evans's claim regarding HCV¹ and the portion of Evans's claim premised
25 on conduct by Defendants after Evans's cervical MRI in May of 2018. However, the
26 Court permitted Evans's Eighth Amendment claim related to the delay in getting
27 the cervical MRI to proceed. ECF No. 145.

28 ¹ Chronic Hepatitis C Virus.

1 2. In October 2023, the Parties stipulated to refer this case to Your Honor.
2 ECF No. 173. This Court then referred this case to the pro bono program. ECF No.
3 176.

4 3. Evans's undersigned counsel was not identified and appointed until
5 nearly seven months later, on May 6, 2024.

6 4. On June 7, 2024, Defense Counsel produced all discovery conducted to
7 date to Evans's counsel. After reviewing that discovery, Evans's Counsel believed it
8 necessary to reopen discovery in order to: (1) request additional medical records, to
9 the extent they exist; (2) retain an expert witness to opine about the delayed MRI,
10 including the risks posed by and effects of the delay; (3) allow sufficient time for any
11 rebuttal expert disclosures, expert depositions, and the deposition of a 30(b)(6)
12 designee for the Nevada Department of Corrections.

13 5. The Parties conferred, and Defense Counsel agreed that discovery
14 should be reopened for these limited purposes. The Parties therefore filed a
15 stipulation to reopen discovery and continue the trial dates. ECF No. 188.

16 6. On July 26, 2024, the Court held a hearing on the stipulation and
17 granted it in part: limited discovery was reopened through November 25, 2024, and
18 trial was reset for February 10, 2025. ECF Nos. 190, 192.

19 7. Evans's Counsel then subpoenaed Evans's medical providers as well as
20 the Nevada Department of Corrections to ensure complete copies of all Evans's
21 medical records. Evans's Counsel also retained a neurologist to review those records,
22 as set out in more detail in the Evans's Motion for Reimbursement of Expert
23 Expenses filed on September 10, 2024.²

24 8. Through this expert process, Evans's Counsel has learned that it is
25 necessary to retain an ophthalmologist to opine as to whether the delayed MRI
26 (which this Court has already found triable) and resultant delay in treatment (the
27

28 ² ECF No. 194.

removal of the pituitary tumor the MRI revealed) caused the vision problems from which Evans continues to suffer. The Parties have conferred regarding this, and Defense Counsel does not object to extending the limited reopened discovery period for this purpose.

9. The Parties agree that the limited discovery period should be extended for 120 days, to March 25, 2025, to allow sufficient time for: the identification and retention of an expert in ophthalmology and to permit any required examinations of Evans; expert disclosures and rebuttal expert disclosures; and expert depositions and the deposition of a 30(b)(6) designee for the Nevada Department of Corrections.

10. The Parties therefore request a status check to discuss a revised scheduling order with this Court. The Parties propose the revised discovery and trial schedule:

Expert Disclosures:	January 24, 2025
Rebuttal Expert Disclosures:	30 days after initial expert disclosure
Limited Discovery Period Cut-Off:	March 25, 2025

11. The Parties have also conferred regarding potential trial dates. The Parties are available the following dates: May 12, June 9, and June 16, 2025

DATED: October 30, 2024.

Snell & Wilmer L.L.P.

Douglas R. Rands
Nevada Attorney General

By /s/ Erin Gettel
John Delikanakis
Erin Gettel
Attorneys for Plaintiff Todd Evans

By /s/ Douglas R. Rands
Douglas R. Rands
Nevada Attorney General

The parties' proposed discovery deadlines are approved and the jury trial shall be continued to May 12, 2025, at 9:00 a.m. in Reno Courtroom 2. **IT IS SO ORDERED.**

DATED: November 15, 2024


Craig S. Denney, U.S. Magistrate Judge